1952 · File No. B Rents 52

K

Legal Deptt
B. BRANCH

Subject:— A Bill to amend the Bombay Rents Hotel & Lodging House Rates Control Act, 1947

L.A. Bill No XIX of 1952

Bom. Act No. XV of 1952

R-11
E

File No. B. Rents/52

Gen. 194

875-B

Legal Department,

A revised draft Bill is sent herewith.

2. The subject matter of the Bill falls under entires 3, 18 and 65 in List II and entry 13 in List III in the Seventh Schedule to the Constitution. The Bill does not require any sanction or recommendation.

Sd/- J.R.Dhurandhar
10/4
O.C.
Additional Secretary to Government

U.R. to Labour and Housing Department No. 5405
dated the 10th April 1952.

Mjr/3/7
4 Cs.

Legal Depart.
Council Hall, Poona 29th .

From

Shri J.R.Dhurandhar,
Additional Secretary to
the Government of Bombay.

To

The Secretary to the Governor of Bombay

Subject:- The Bombay Rents, Hotel and Lodging House Rates Control,(Ameddemnt) Bill, 1952.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of the Governor the authentic copy of the Bombay Rents, Hotel and Lodging House Rate Control (Amendment) Bill, 1952, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 26th June 1952 and the 17th July 1952, respectivel

2. The subject-matter of the Bill falls under entries 3, 18 and 65 in List II and entry 13 in List III in the Seventh Schedule to the Constitution of India. It is not neeessary to reserve the Bill for the consideration of the President with reference to article 254(2) or any other article of the Constitution of India.

3. The date on which the Governor's assent is given may kindly be entered in the endoreement.

4. I also forward one copy of each of the items

1. Bill as introduce in the Bombay Legislative Assembly with the Statement of Objects &Reeons	:	Nos.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	:	1, 2 and
3. Bill as read for the third time and passed by the Bombay Legislative Council.	:	4 and
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 26th June 1952 and of the Bombay Legislative Council dated the 17th July 1952 .	:	two copies of them

No. 3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

Yours fainth fully,
Sd/- J.R.Dhurandhar
29/7

o.c.

Additional Secretary to Government.

Copy forwarded with compliments to the Secretary to the Government of Bombay, Labour and Housing Department.

No. GS. 2360

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to
the Government of Bombay,
Legal Department.

Subject:- The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1952.

Raj Bhavan,

Ganeshkhind,
Poona 7, August 7, 1952.

Sir,

With reference to your letter No. 257-L dated July 29,1952, I am directed to return herewith the authentic copy of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1952, with the Governor 's assent signified thereon.

Yours faithfully,

Sd/- S.B.Kulkarni

Secretaray to the Governor.

Mjr/3/7
4 Cs.

Publication of the
Hotel and Lodging House Rates
Control (Amendment) Act, 1952.

GOVERNMENT OF BOMBAY
Legal Department,
Resolution No 338-L
Council Hall, Poona 7th August 1952.

Letter to the Secretary to the Governor , No. 257-L dated the 29th July 1952.

Letter from the Secretary to the Government, No.G.S. 2360 dated the 2nd August 1952.

With reference to your letter No. 257-L, dated July 29, 1952, I am directed to return herewith the authentic copy of the Bombay Rents, Hotel and ~~Lodging~~ Lodging House Rates (Control) (Amendment) Bill, 1952, with the Governor's assent signified thereon.

RESOLUTION: The law should be published as Bombay Act No XV of 1952 in the Bombay Government Gazette dated the 8th August 1952.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (In Devnagari script) and the translations should be published in the Bombay Governmet Gazette.

3- A copy of the Act should be forwarded to the Labour and Housing Department.

By order of the Governor of Bombay

Sd/- S.W.Dhurandhar
7/8/52
S.W.Dhurandhar
Assistant Secretary to Government.

To

The Manager Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may beforwarded to the Legal Department aand 10 copies to the Labour and Housing Department),
The Babour and Housing Department,) with a copy
The Examiner of Books and Publications,) of the Act.
The Bombay Legislature Department,)
The Director of Publicity, Bombay)
The Liaison Officer for the Secretariat, Bombay,)

* With four extra copies of the Act.

Mjr/3/7
4 cs.

Registered No. B-1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY

MONDAY, 16TH JUNE, 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilati

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XIX OF 1952.

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

Bom. LVII of 1947. WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1952. Short title.

Bom. LVII of 1947. 2. (*1*) Section 28 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter called the said Act), except the *Explanation* to the said section, shall be renumbered as sub-section (*1*) of that section. Amendmen of section 28 of Bom. LVII of 1947.

(*2*) In sub-section (*1*), so renumbered, after the words "any of its provisions; and", the words, brackets and figure ", subject to the provisions of sub-section (*2*)," shall be inserted.

(3) After sub-section (*1*), so renumbered, the following sub-section shall be inserted, namely :—

"(*2*) (*a*) Notwithstanding anything contained in clause (*aa*) of sub-section (*1*), the District Court may at any stage withdraw any such suit, proceeding or application pending in a Court of Small Causes established for any area under the Provincial Small Cause Courts Act, 1887, and transfer the same for trial or disposal to the Court of the Civil Judge (Senior Division) having ordinary jurisdiction in such area. IX of 1887.

(*b*) Where any suit, proceeding or application has been withdrawn under clause (*a*), the Court of the Civil Judge (Senior Division) which thereafter tries such suit, proceeding or application, as the case may be, may either re-try it or proceed from the stage at which it was withdrawn.

(*c*) The Court of the Civil Judge trying any suit, proceeding or application withdrawn under clause (*a*) from the Court of Small Causes shall, for purposes of such suit, proceeding or application, as the case may be, be deemed to be the Court of Small Causes."

Amendment of section 29 of Bom. LVII of 1947.

3. In clause (*b*) of sub-section (*1*) of section 29 of the said Act, after the figures "1887," the following shall be inserted, namely :—

"or by the Court of the Civil Judge deemed to be the Court of Small Causes under clause (*c*) of sub-section (*2*) of section 28".

STATEMENT OF OBJECTS AND REASONS.

There are heavy arrears in the Court of Small Causes, Poona and Ahmedabad, on account of the suits and proceedings filed under the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947. Section 28 of the said Act is, therefore, proposed to be amended suitably investing the District Judge with the power to transfer suits and other matters under it to the Court of Civil Judge (Senior Division) whenever he thinks it necessary to do so having regard to the congestion in the Court of Small Causes.

Dated the 12th June 1952. (Signed) G. D. TAPASE.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 16th June 1952.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XIX OF 1952.

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 26th June 1952.)

Bom. LVII of 1947.

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1952.

Amendment of section 28 of Bom. LVII of 1947.

Bom. LVII of 1947.

2. (*1*) Section 28 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter called the said Act), except the *Explanation* to the said section, shall be renumbered as sub-section (*1*) of that section.

(*2*) In sub-section (*1*), so renumbered, after the words "any of its provisions; and", the words, brackets and figure ", subject to the provisions of sub-section (*2*)," shall be inserted.

(3) After sub-section (*1*), so renumbered, the following sub-section shall be inserted, namely :—

"(*2*) (*a*) Notwithstanding anything contained in clause (*aa*) of sub-section (*1*), the District Court may at any stage withdraw any such suit, proceeding or application pending in a Court of Small Causes established for any area under the Provincial Small Cause Courts Act, 1887, and transfer the same for trial or disposal to the Court of the Civil Judge (Senior Division) having ordinary jurisdiction in such area. IX of 1887.

(*b*) Where any suit, proceeding or application has been withdrawn under clause (*a*), the Court of the Civil Judge (Senior Division) which thereafter tries such suit, proceeding or application, as the case may be, may either re-try it or proceed from the stage at which it was withdrawn.

(*c*) The Court of the Civil Judge trying any suit, proceeding or application withdrawn under clause (*a*) from the Court of Small Causes shall, for purposes of such suit, proceeding or application, as the case may be, be deemed to be the Court of Small Causes."

Amendment of section 29 of Bom. LVII of 1947.

3. In clause (*b*) of sub-section (*1*) of section 29 of the said Act, after the figures "1887," the following shall be inserted, namely :—

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Dated the 12th June 1952. G. D. TAPASE.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XIX OF 1952.]

(As read for the third time and passed by the Legislative Assembly on the 26th June 1952.)

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

[Shri G. D. Tapase, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

REGISTERED No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

FRIDAY, 8TH AUGUST 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	Pages
BOMBAY ACT No. XV OF 1952—An Act to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947	57–58

The following Act of the Bombay Legislature having been assented to by the Governor on the 1st August 1952 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XV OF 1952.

(*First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 8th August 1952.*)

An Act to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

Bom. LVII of 1947.

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1952.

Bom. LVII of 1947.

Amendment of section 28 of Bom. LVII of 1947.

2. (*1*) Section 28 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter called the said Act), except the *Explanation* to the said section, shall be renumbered as sub-section (*1*) of that section.

(*2*) In sub-section (*1*), so renumbered, after the words "any of its provisions; and", the words, brackets and figure ", subject to the provisions of sub-section (*2*),", shall be inserted.

(*3*) After sub-section (*1*), so renumbered, the following sub-section shall be inserted, namely :—

" (*2*) (*a*) Notwithstanding anything contained in clause (*aa*) of sub-section (*1*), the District Court may at any stage withdraw any such suit, proceeding or application pending in a Court of Small Causes established for any area under the Provincial Small Cause Courts Act, 1887, and transfer the same for trial or disposal to the Court of the Civil Judge (Senior Division) having ordinary jurisdiction in such area. IX of 1887.

(*b*) Where any suit, proceeding or application has been withdrawn under clause (*a*), the Court of the Civil Judge (Senior Division) which thereafter tries such suit, proceeding or application, as the case may be, may either re-try it or proceed from the stage at which it was withdrawn.

(*c*) The Court of the Civil Judge trying any suit, proceeding or application withdrawn under clause (*a*) from the Court of Small Causes shall, for purposes of such suit, proceeding or application, as the case may be, be deemed to be the Court of Small Causes."

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3. In clause (*b*) of sub-section (*1*) of section 29 of the said Act, after the figures " 1887, " the following shall be inserted, namely :—

" or by the Court of the Civil Judge deemed to be the Court of Small Causes under clause (*c*) of sub-section (*2*) of section 28 ".

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.